

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85277 of 2024

Arising Out of PS. Case No.-181 Year-2024 Thana- DALSINGHSARAI District- Samastipur

Vikash Kumar @ Vikash Bharatiya S/O Madan Mohan Prasad @ Mandan
Mohan Prasad R/O Village- Bhagwanpur Chakshekhu near Kaali Asthan ,
Police Station - Dalsinghsarai , District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap

For the Opposite Party/s : Mr. Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 31-01-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 304B, 302, 201 and 34 of
the Indian Penal Code.
3. The learned counsel for the petitioner submits that
the petitioner has antecedent of one case and the informant
alleges that his daughter was married to the petitioner on
03.03.2024. Further, after marriage, the victim informed the
informant that accused persons are demanding dowry. It is next
alleged that after 15 days of marriage, the informant came to the
matrimonial home of the victim for her *Bidai*, but petitioner and
other accused persons said that the new house is being



constructed, hence *Bidai* will be performed after two months. Thereafter, on 08.06.2024, petitioner called and informed the informant that victim has died. Accordingly, the informant reached the place of occurrence and found the dead body of his daughter lying on a bed.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case being husband of the deceased. It is further submitted that no doubt, the death of the victim took place within three months of marriage, but then, all deaths are not dowry deaths. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the same is general and omnibus in nature as the informant does not allege that as to what was being demanded by the accused persons including the petitioner by way of dowry. It is further submitted that from the FIR itself, it would manifest that the informant had gone to the matrimonial home of his daughter for her *Bidai*, but then, a request was made for performing the ceremony of *Bidai* after two months as their new house was being built, on which the informant had agreed. It is submitted that had the informant been apprehensive that his daughter was being tortured at her matrimonial home, he would not have acceded to the request of the accused persons of



leaving his daughter for another two months at her matrimonial home. It is next submitted that the fact that the dead body was lying in the house that in itself demonstrates that the accused persons did not make any effort to dispose of the dead body for the purposes of concealing the evidence.

5. The learned counsel for the petitioner next submits that petitioner is presently posted as Divisional Accounts Officer at Dalsinghsarai. It is next submitted that petitioner is well-aware of the consequences which would entail in the event, if his complicity in the crime is corroborated. It is next submitted that no government servant would indulge in such an act on account of which, his entire career gets jeopardized. The learned counsel for the petitioner further submits that the entire allegation hinges around suspicion as informant is not an eye witness to the occurrence. It is also submitted that petitioner will not abscond rather will cooperate in the trial to prove his innocence.

6. Learned A.P.P. opposes the bail application.

7. Considering the submissions made by the learned counsel appearing on behalf of the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand)



with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Dalsinghsarai, Samastipur in connection with Dalsinghsarai P. S. Case No.181 of 2024,

8. The application stands allowed.

9. However, in the event, if the learned trial Court comes to a conclusion that the petitioner after his release is trying to delay the trial in any manner, the learned trial Court shall forthwith cancel his bail bonds after recording reasons and shall take all coercive steps to ensure that petitioner is behind bar.

(Satyavrat Verma, J)

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